

HABEAS,MANDATE,PROSE,CLOSED

U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:15-cv-00212-JMS-MJD

REED v. LARIVA
Assigned to: Judge Jane Magnus-Stinson
Referred to: Magistrate Judge Mark J. Dinsmore
Case in other court: 7th Circuit, 15-03594 – Mandate
Cause: 28:2241 Petition for Writ of Habeas Corpus (federal)

Date Filed: 07/13/2015
Date Terminated: 10/26/2015
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner**MICHAEL HOWARD REED**

represented by **MICHAEL HOWARD REED**
04414-048
TERRE HAUTE – FCI
TERRE HAUTE FEDERAL
CORRECTIONAL INSTITUTION
Inmate Mail/Parcels
P.O. BOX 33
TERRE HAUTE, IN 47808
PRO SE

V.

Respondent

LEANN LARIVA
Warden

represented by **LEANN LARIVA**
PRO SE

Date Filed	#	Docket Text
01/15/2016	<u>18</u>	MANDATE of USCA as to <u>12</u> Notice of Appeal filed by MICHAEL HOWARD REED (USCA #15-3594) – This cause, docketed on 11/18/2015, is DISMISSED for failure to timely pay the required docketing fee, pursuant to Circuit Rule 3(b). (LBT) (Entered: 01/15/2016)
12/08/2015	<u>17</u>	Submission of Notice of Withdraw (Captioned for the Court of Appeals), filed by Petitioner MICHAEL HOWARD REED no c/s. **Emailed to USCA re #15-3594** (Attachments: # <u>1</u> Envelope)(MAC) Modified on 12/10/2015 (MAG). (Entered: 12/09/2015)
11/23/2015	<u>16</u>	Entry Discussing Request to Proceed on Appeal in forma pauperis – An appeal may not be taken in forma pauperis if the trial court certifies that the appeal is not taken in good faith. A claim or argument is frivolous when it appears the factual allegations are clearly baseless or the legal theories are indisputably meritless. There is no objectively reasonable argument the petitioner could present to argue that the disposition of this action was erroneous. In pursuing an appeal, therefore, the petitioner "is acting in bad faith... [because] to sue in bad faith means merely to sue on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose to have any merit." Accordingly, his appeal is not taken in good faith, and his <u>12</u> request for leave to proceed on appeal in forma pauperis is denied. Signed by Judge Jane Magnus-Stinson on 11/23/2015. Copy sent to Petitioner via US Mail. (GSO) (Entered: 11/23/2015)
11/19/2015	<u>15</u>	USCA Case Number 15-3594 for <u>12</u> Notice of Appeal filed by MICHAEL HOWARD REED. (LBT) (Entered: 11/19/2015)
11/18/2015	<u>14</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>12</u> Notice of Appeal. – for Court of Appeals Use Only. (MAG) (Entered: 11/18/2015)

11/18/2015	<u>13</u>	PARTIES' SHORT RECORD re <u>12</u> Notice of Appeal – Instructions for Attorneys and Designation of Record information attached. Copy sent to petitioner via US Mail. (MAG) (Entered: 11/18/2015)
11/17/2015		(CONTINUATION OF DOC. 12) MOTION to Proceed on Appeal in forma pauperis, filed by Petitioner MICHAEL HOWARD REED. (MAG) (Entered: 11/18/2015)
11/17/2015	<u>12</u>	NOTICE OF APPEAL as to <u>10</u> Entry, <u>11</u> Closed Judgment, filed by Petitioner MICHAEL HOWARD REED. (No fee paid with this filing) (Attachments: # <u>1</u> Court Entries and Judgment, # <u>2</u> Envelope)(JD) (Entered: 11/18/2015)
10/26/2015	<u>11</u>	FINAL JUDGMENT in favor of Respondent and against Petitioner – Reed's petition for writ of habeas corpus is denied and the action is dismissed with prejudice. Signed by Judge Jane Magnus-Stinson on 10/26/2015. (cm)(NRN) (Entered: 10/26/2015)
10/26/2015	<u>10</u>	ENTRY Dismissing Action and Directing Entry of Final Judgment – For reasons explained in this Entry, Reed has sought relief pursuant to 28 U.S.C. § 2241 in circumstances which do not permit the use of that remedy. His petition for a writ of habeas corpus is therefore denied. Judgment consistent with this Entry shall now issue. Signed by Judge Jane Magnus-Stinson on 10/26/2015. (cm)(NRN) (Entered: 10/26/2015)
09/23/2015	<u>9</u>	REPLY to <u>8</u> ENTRY Again Directing Further Proceedings, filed by Petitioner MICHAEL HOWARD REED. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Envelope) (BGT) (Entered: 09/24/2015)
09/02/2015	<u>8</u>	ENTRY Again Directing Further Proceedings – A copy of the petitioner's filing of August 21, 2015 shall be included with the petitioner's copy of this Entry. Michael Howard Reed challenges his convictions for possessing a firearm and ammunition while he was a fugitive from justice entered in the United States District Court for the District of North Dakota in No. 4:09-cr-00076-DLH-1. The petitioner shall have through September 22, 2015, in which to demonstrate that he may appropriately invoke the savings clause of 28 U.S.C. § 2255(e) in this case. He shall also have through September 22, 2015 in which to explain how his claim of actual innocence differs from his challenge to the sufficiency of the evidence in his direct appeal, and if it does not differ from his challenge to the sufficiency of the evidence it can be relitigated here. Copy to petitioner via US Mail. Signed by Judge Jane Magnus-Stinson on 9/2/2015.(RSF) (Entered: 09/02/2015)
08/21/2015	<u>7</u>	RESPONSE re <u>6</u> Entry, filed by Petitioner MICHAEL HOWARD REED. (Attachments: # <u>1</u> Envelope)(AH) (Entered: 08/24/2015)
08/05/2015	<u>6</u>	ENTRY Directing Further Proceedings – Reed was given a period of time in which to supplement his petition for writ of habeas corpus by showing that the foregoing requirements can be met. He has filed a response, but his response does not establish that these requirements can be met. He shall have a further period of time, through August 24, 2015, in which to do so. Copy to petitioner via US mail. Signed by Judge Jane Magnus-Stinson on 8/5/2015.(AH) (Entered: 08/05/2015)
07/30/2015	<u>5</u>	RESPONSE re <u>3</u> Entry, filed by Petitioner MICHAEL HOWARD REED. (Attachments: # <u>1</u> Envelope)(AH) (Entered: 07/31/2015)
07/28/2015	<u>4</u>	Submission of Notice of NON Consent to Magistrate Judge, filed by Petitioner MICHAEL HOWARD REED. (Attachments: # <u>1</u> Envelope)(AH) (Entered: 07/28/2015)
07/16/2015	<u>3</u>	ENTRY Directing Further Proceedings – Reed shall have through August 10, 2015 in which to show how he can satisfy the foregoing standard to proceed with his challenge pursuant to 28 U.S.C. § 2241. **SEE ENTRY** Copy to petitioner via US mail. Signed by Judge Jane Magnus-Stinson on 7/16/2015.(AH) (Entered: 07/16/2015)
07/14/2015	<u>2</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (AAM) (Entered: 07/14/2015)
07/13/2015	<u>1</u>	PETITION for Writ of Habeas Corpus, filed by MICHAEL HOWARD REED. RECEIPT #IP046652 in the amount of \$5.00 (Attachments: # <u>1</u> Envelope)(AAM) Modified on 7/14/2015 (AAM). (Entered: 07/14/2015)

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